

# City of Eugene POLICE COMMISSION

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The Police Commission recommends to the City Council, City Manager, police department, and the people, the resources, preferred policing alternatives, policies, and citizen responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the police department that helps to achieve safety, justice and freedom for all people in Eugene.

Police Commissioners: Juan Carlos Valle, Chair; Tamara Miller, Vice-Chair; Mike Clark; Bernadette Conover; Jim Garner; Linda Hamilton; Kaitlyn Lange; Jesse Lohrke; James Manning; Timothy Mueller; Andrea Ortiz; Bob Walker

## **Police Commission Meeting**

April 12, 2012

5:30 pm, McNutt Room, Eugene City Hall, 777 Pearl Street

<u>Item</u>	<u>Starting Time</u>	<u>Minutes</u>
1. Agenda review	5:30	5
2. Minutes Approval – March 8, 2012	5:35	10
3. Public Forum	5:45	10
4. Comments from Chair and Items from Commissioners	5:55	20
5. Robert's Rules (information) Jon Belcher	6:15	40
6. Break	6:55	10
7. Chief's Report (information)	7:05	25
8. Social Host Ordinance (Information) Carter Hawley	7:30	25
9. Listening Sessions (information) Lt. Scott Fellman	7:55	20
10. Closing Comments	8:15	15

Next Police Commission Meeting: Thursday, May 10, 2012

**RETREAT – Saturday, May 5, 2012**



## Police Commission

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Memorandum

City of Eugene  
777 Pearl Street, Room 106  
Eugene, Oregon 97401  
(541) 682-5852

April 4, 2012

**To:** Members of the Police Commission  
**From:** Carter Hawley, Police Commission Analyst  
**Subject:** Material Review for April 12, 2012 Police Commission Meeting

Listed below are items on the upcoming Police Commission meeting.

### Roberts Rules of Order

Mr. Jon Belcher will provide an overview of Robert's Rules, and offer resource materials for your use, as well as some counsel on the practical application of Robert's Rules. There are links in the electronic file, that you are encouraged to follow for more information.

### Chief's Report

Chief Kerns will not be at the Commission meeting. An alternate is being arranged, and will provide the Chief's report.

### Social Host Ordinance

Beginning in December, Commissioner Kaitlyn Lange has provided brief updates to the Commission about the Social Host Ordinance, a proposal designed to decrease the negative impacts associated with unruly parties, primarily in the areas around the University of Oregon. A draft ordinance has been developed in a citizens' committee, and is scheduled to go to the City Council for consideration in April and May. Staff will go through the ordinance, and be able to respond to any questions.

### Listening Sessions

One of the items on the Police Commission's work plan relates to listening sessions between the Police Department and the community. The Department has already undertaken this effort, and Lt. Scott Fellman will provide information about the process, what has been learned thus far, and any future plans.

### Reminder

The next meeting of the Police Commission will be at the Annual Retreat, Saturday, May 5.

# MINUTES

Eugene Police Commission  
McNutt Room—Eugene City Hall—777 Pearl Street  
Eugene, Oregon

March 8, 2012  
5:30 p.m.

**PRESENT:** Juan Carlos Valle, Chair; Tamara Miller, Vice Chair; George Rhode (on behalf of Civilian Review Board Liaison Bernadette Conover), Jim Garner, Linda Hamilton, Jesse Lohrke, James Manning, Bob Walker, commissioners; Police Chief Pete Kerns; Carter Hawley, Lori Kievith, Linda Phelps, Eugene Police Department; District Attorney Alex Gardner; Tina Morgan, Kids FIRST Center; Bill Whalen, Kids FIRST Center Board of Directors.

**ABSENT:** Mike Clark, Kaitlyn Lange, Tim Mueller, Andrea Ortiz.

Mr. Valle called the meeting of the Eugene Police Commission to order.

## 1. Agenda Review

Ms. Hawley reviewed the agenda and related materials.

## 2. Minutes Approval

This item was postponed pending arrival of a commission quorum.

## 3. Public Forum

**Irene Cardenas** said she was seeking to build a system that could heal abusers. She found that many criminals were mentally ill and were frequently stigmatized by others, including those who served them. She believed that when people found out more about other people they treated them better. She suggested that many criminals experienced different hemispheric brain activity, possibly caused by trauma. Studies indicated that harmonizing the brainwaves of prisoners and the warden using EG technology greatly improved conditions. She said studies also indicated that meditation helped many prisoners. She offered some citations in support of her remarks.

**Alley Valkyrie** said at the February meeting a commissioner suggested the fact an exclusion order was denied showed the system was working. She believed the existence of the exclusion zone showed that the system was not working. She suggested the justice system was flawed by emphasizing proper procedure over principle. Ms. Valkyrie shared a recent experience she had while videotaping the police when she was cited for criminal trespass and detained for 15 minutes. The police report falsely reported that she was sitting and that she had been given a verbal warning; she had witnesses who would testify the opposite. She believed the report was a lie told to cover up the truth about how the Eugene Police Department (EPD) enforced the criminal trespass statute. She said what happened to her happened to the homeless and disenfranchised on a regular basis. She found that unacceptable. Ms. Valkyrie anticipated the charges

against her would be dropped because otherwise the officer in question would have to commit perjury. She called for the EPD to have a clear policy in regard to how it enforced the ordinance.

#### **4. Comments from Chair and Items from the Commission**

Ms. Miller called attention to that day's newspaper account of the high-speed pursuit conducted by the Oregon State Police that resulted in two fatalities and noted that it occurred just after the commission completed its review of the EPD's own vehicle pursuit policy.

Mr. Garner welcomed the commission's guests and thanked those who offered public comment.

On behalf of Civilian Review Board (CRB) Liaison Bernadette Conover, Mr. Rhode reported the CRB met on February 14 and heard a presentation regarding the work of the Kids First Center. The CRB also reviewed a case involving a vehicle pursuit of a suspected car thief who later claimed to have been injured during the arrest. The in-car video (ICV) unit in the police vehicle did not work, making a full review of the incident difficult, and the CRB continued to be concerned about the EPD's dependence on the ICV given the problems the officers experienced in operating the equipment.

Mr. Manning regretted the loss of life related to the vehicle pursuit mentioned by Ms. Miller and acknowledged it was difficult to control what a criminal would do. He suggested changes to the intersection involved in the accident might be in order given past accidents.

Mr. Walker reported that the Hate Crimes Conference Committee met once and would meet again the next day. He anticipated the committee would seek public input about what the community wanted to see at such a conference.

Mr. Valle thanked those who offered comment. He encouraged commissioners to participate on a police ride-along, and reminded them that the 9-1-1 Center and Municipal Court were also options. Mr. Manning shared his experience on a recent police ride-along.

#### **5. Kids FIRST Presentation**

The commission was joined by District Attorney Alex Gardner, who introduced Bill Whalen of the Kids FIRST Center Board of Directors and center director Tina Morgan. Mr. Gardner shared information about the services provided through the Kids FIRST Center of Lane County, which provides a central location for the investigation of child abuse cases in a non-threatening environment by specially trained interviewers. The center also includes medical examination facilities. Mr. Gardner believed use of the center results in more effective investigations and a higher conviction rate as well as creating more public confidence in the process.

Mr. Whalen described the center's multi-disciplinary team approach to case management.

Mr. Gardner anticipated that the center would soon face budgetary shortfalls and would seek assistance from local governments because it was doing work that used to be done by police agencies and saving the local jurisdictions money formerly spent on police overtime. Ms. Morgan provided an overview of the center's current funding sources and the potential reductions it faced. She emphasized the increase in the number of offenders being held accountable as a result of the center's work. She noted some of the other services provided by the center, including support groups for parents whose children had disclosed sexual

abuse. Ms. Morgan described how the center handled case investigations.

Commissioners asked questions clarifying the information presented.

Ms. Hamilton encouraged commissioners to attend a meeting of the multi-disciplinary team. Ms. Morgan invited commissioners to contact her if they wished to attend a meeting. Mr. Gardner offered to conduct a tour of the center if Commissioners wanted a tour.

Mr. Whalen noted the commission's role in recommending policies to the City Council and Police Department and suggested that as a matter of policy, EPD should always refer children to the center.

Mr. Lohrke arrived.

## **6. Housekeeping—Vacancy Process, Meeting Space Preference, Work Plan Item**

### *Vacancy Process*

Ms. Miller noted that the terms of Ms. Lange, Mr. Mueller, Mr. Valle, and Mr. Garner were expiring as of June 30, 2012. Current commissioners must reapply formally for their positions. She recalled the commission's past practice of screening applications, interviewing candidates, and making recommendations to the mayor, and asked the commission if it wished to proceed along similar lines.

Commissioners briefly discussed the merits of commission interviews with new candidates and the role that other commissions played in the appointment of new members.

Mr. Manning, seconded by Ms. Miller, moved that the commission develop a workable solution at the upcoming retreat and establish a practice that would be the rule going forward. The motion passed, 5:2, Mr. Walker and Ms. Miller voting no.

Mr. Walker, seconded by Mr. Lohrke, moved to leave the appointment of the new commissioners to the council. The motion failed, 1:6; Mr. Walker voting yes.

Mr. Garner, seconded by Ms. Miller, moved that a committee of the commission would screen new applicants with the exception of current commission applicants, interview the applicants, and forward recommendations to the mayor, who would forward a recommendation to the City Council. The motion passed, 5:2; Mr. Lohrke and Mr. Walker voting no.

### *Meeting Space Preference*

Ms. Hawley presented options for future commission meeting locations.

Ms. Miller, seconded by Mr. Manning, moved to hold commission meetings at 300 Country Club Road (the new police headquarters building).

Commissioners briefly discussed the merits of meeting at the new police headquarters at 300 Country Club Road. Concerns included access to bus service, general accessibility, and safety.

The motion passed, 6:1; Mr. Lohrke voting no.

### *Work Plan Item*

Mr. Valle reminded the commission that one of its work plan items was to hold listening sessions with the community and the EPD. He recommended that the task be referred to the Public Outreach and Resource Committee.

Mr. Manning, seconded by Ms. Miller, moved to refer the item to the Public Outreach and Resource Committee.

Mr. Valle called for a vote on the motion on the floor.

The motion passed unanimously, 7:0.

## **8. Chief's Report**

Chief Kerns shared a chart that showed EPD position vacancies, positions being filled with acting-in-capacity staff, retirements, and new hires. He reviewed the department's 2012 projects and associated timelines.

Chief Kerns shared a comparison of the average number of officers per capita for Eugene, for the state of Oregon, and for the United States that indicated Eugene had fewer officers on both a per capita and on square mileage basis.

Chief Kerns shared the weekly data led policing report for the week of February 26-March 3, 2012. He shared a one-week look at crime with a focus on downtown and west Eugene. He reported burglaries, car thefts, and car clouts had increased over 2011. Chief Kerns shared a map showing incidents in Beat 1. He shared a series of maps of the City's beats that showed the locations where crimes had been committed and noted various "hot spots" of criminal activity.

Chief Kerns reported that the department began holding weekly intelligence meetings during which employees could share information about crimes. He provided an example of the information shared at the meetings.

Chief Kerns briefly discussed the department's crime prevention efforts related to students absences as a result of spring break.

Chief Kerns shared a graph showing the trends in car clouts, car thefts, and burglaries.

Chief Kerns reported on his community activities, which included attendance at the Pearl Buck Center fund raising breakfast and the Freedom Fund Dinner. He also participated with the City's executive management in a painting project at the Eugene Mission. Chief Kerns spoke to the Eugene Area Chamber of Commerce Board of Directors, to the Downtown Lions Club, to the Urban Renewal District Review Panel, and would speak at the upcoming forums regarding the Capstone project.

Commissioners asked questions clarifying the details of Chief Kerns' report.

Ms. Miller determined from Chief Kerns that he welcomed commission participation on the captain interview panels.

## **9. City, EPD, and commission budget update**

Ms. Kievith, EPD Finance Manager, shared information about the budget reductions and additions made in fiscal year (FY) 2012. She discussed the department's Employee Budget Committee, comprised of management and representatives from EPD union groups and reported that the committee made budget recommendations to the Senior Management Team. She summarized the proposed FY13 reductions, which included 4.5 non-sworn FTE; the chief expressed his intent that all the positions lost would be vacant. Ms. Kievith also noted a reduction in jail beds.

Ms. Kievith highlighted some future challenges, including the continued quest for a sustainable budget, the growing number of staff eligible for retirement, realignment of staff within the budget to achieve data-led policing goals, keeping the move to the new headquarters within budget, and controlling overtime expenses in association with the 2012 Olympic Trials. She said Occupy Eugene also had financial impacts on the department.

Commissioners asked questions clarifying the details of Ms. Kievith's presentation.

Ms. Miller, seconded by Mr. Valle, moved to extend the meeting for ten minutes. The motion passed unanimously.

Mr. Valle returned to item 2.

## **2. Minutes Approval**

Mr. Manning, seconded by Mr. Walker, moved to approve the minutes of February 9, 2012. The motion passed unanimously, 7:0.

## **9. City, EPD, and commission budget update (cont.)**

Ms. Phelps reviewed the commission's budget, reporting that it was the same as last year. She anticipated that the minutes would be provided in the future by the Lane Council of Governments at a slightly higher cost and that was included in the budget. Ms. Phelps announced she was retiring as of June 1 and anticipated that Ms. Hawley would assume some of her duties in addition to her commission responsibilities.

Commissioners asked questions clarifying the changes related to minutes recording and Ms. Hawley's additional assignments.

## **10. Closing Comments**

Mr. Rhode found the meeting informative and well-run and said he would share a report of the meeting with the CRB.

Ms. Hamilton said the next Hate Crimes Conference Committee was the next day at 3:30 p.m. She reported the committee agreed that Ms. Hawley would draft a letter to the community inviting participation. She invited the commission to attend.

Mr. Walker expressed concern that the EPD's efficiency in taking in more stray animals would lead to more euthanasia and more community hostility toward the police. He hoped thought was being given to that.

Speaking to the department's use of credit cards, Mr. Walker suggested that the department's procedures could be tightened. He suggested that major items such as travel could be paid for through vouchers, cash advances, or a credit card preloaded with a set amount.

Mr. Lohrke agreed with Mr. Walker's remarks about animal control.

Mr. Valle adjourned the meeting at 8:46 p.m.

*(Recorded by Kimberly Young)*



Excerpts from the **ORGANIZATION AND BYLAWS POLICE COMMISSION**  
(Adopted 1999, Revised September 8, 2011 )

**ARTICLE III. APPOINTMENT, MEMBERSHIP, TERM OF OFFICE**

2. The Commission shall consist of:

- a. two members of the City Council
- b. one member from the Human Rights Commission
- c. one member from the Civilian Review Board
- d. eight civilians (12 Members)

7. Vacancies on the Commission shall be filled in the same manner as original appointments, and the appointee shall hold office for the remainder of the unexpired term. Except where the vacancy occurs because members from the City Council cease to serve on the Commission, the City Council shall appoint within 45 days of the position becoming vacant. A position becomes vacant upon:

- a. the death or resignation of the incumbent
- b. removal of a member by the City Council for being absent for more than three consecutively scheduled meetings
- c. failure of the City Council to reappoint an incumbent at the expiration of his or her term
- d. the incumbent ceases to be qualified for the initial appointment.

**ARTICLE IV. OFFICERS AND DUTIES**

4. The Chair shall preside at all meetings of the Commission; call special meetings subject to requirements of Article VI; consult with staff on preparation of commission agendas; and perform all other duties necessary or incidental to the office. (y'all alternate Chair and Co-chair)

7. The Chair and Vice Chair are entitled to vote on all issues.

**ARTICLE VI. OPERATING REQUIREMENTS OF COMMISSION AND MEMBERS**

3. The Commission may make and alter rules for its conduct and procedure providing they are consistent with state law and applicable provisions of the City charter, ordinances, and policies. (Is Council approval required?)

**ARTICLE VII. MEETINGS, VOTING AND PROCEDURES**

3. Seven (fifty percent plus one of the current membership) commissioners shall constitute a quorum for the transaction of official business. In the absence of a quorum at a meeting, any member present may cancel the meeting fifteen minutes after the scheduled beginning time. If no member is present by fifteen minutes after the scheduled time, the meeting is automatically adjourned.

4. Each voting member of the Commission shall be entitled to vote at all regular and special meetings of the Commission, except that a member shall not vote or take part in discussion as a member when there is an actual or may be a

perceived conflict of interest. If a member wishes to abstain in a situation where there is a potential conflict or no direct conflict of interest, but where the public might construe that such a conflict exists, or if a member has a conflict deriving from his or her relationship with persons involved in the issue, then he or she may ask to abstain. If members are in doubt about the nature of a conflict, they may ask for the advice of the City Attorney. (any other options to abstain?)

8. Members shall not vote on a question unless they are present before the vote is called for, or when their names are called by the Chair. Proxies are not permitted.

9. Members may at any time explain their votes, or file written explanations of such votes after the result of the voting has been announced and recorded.

10. In general, communication to and from the public during meetings occurs during the public comment or community dialogue period. Except for the right to vote and to move a motion, the privilege of the floor may be granted to any member of the public at the discretion of the chair.

11. As an alternative to using simple majority votes to make its decisions the Commission may use a consensus method in an effort to incorporate all interests and gather full support for the final decision. In general consensus decision making is appropriate when addressing process and routine issues. The simple majority approach should be used when the Commission is taking a formal position on a topic. Whichever decision making approach is being used, the conflict of interest laws still apply. Any member with an actual conflict of interest must excuse himself / herself from deliberation on the issue. (Implies that simple majority votes usually make decisions, but according to Roberts, some motions require 2/3 majorities)

14. Commission members may refer to Robert's Rules of Order regarding rules of procedure for guidance with respect to the conduct of meetings or points of order. (Not a mandate)

## **ARTICLE IX. COMMITTEES, PROGRAMS & WORK GROUPS**

1. The Commission may establish temporary committees for specific tasks. A majority of the Commission members present is required to form a committee. No temporary committee shall continue for more than six months without City Council approval.

2. The size, term, membership and duties of a committee shall be established by the Commission at the time the committee is approved. Committee membership shall consist of no more than six commission members.

3. Vacant positions on a committee shall be filled by the Commission appointment of a person nominated by the committee. A position shall be considered vacant under the same conditions as set forth for a vacancy on the Commission. (Article III, Section 7)

4. The officers of each committee shall be a Chairperson and a Vice Chair, elected by the committee. The Chair shall be a member of the Commission and shall preside over the committee and shall have the right to vote. The Vice Chair shall perform the duties of the Chair in the absence or disability of the Chair. The officers shall serve for terms of one (1) year or for the term of the committee, whichever is less.
5. Each committee shall meet as it deems necessary to properly perform its duties.
6. Each committee may make and alter rules for its conduct and procedure, providing they are consistent with state laws and applicable provisions of the City Charter, ordinances, policies and commission bylaws.
7. Fifty percent plus one of the current membership of a committee shall constitute a quorum for the transaction of official business.
8. The Commission may recommend that the City Council establish any additional committee or task force that the Commission feels will assist the Commission and the City in meeting the goals of the Commission.
9. The Chair of the committee shall be responsible for calling and developing agendas for all meetings.
10. Committees may base their recommendations upon a consensus or upon majority and minority points of view. (Again flexibility)
11. Committees may take public actions only with the approval of the Commission.
12. Committee chairs shall submit names of committee members who are frequently absent from the committee meetings to the Commission Chair, who may replace them. (Lots of wiggle room)
13. Only existing Commission members are eligible to become members of a committee. The Committee may seek input and advice from the community, regardless of committee membership.

#### **ARTICLE XI. AMENDMENT OF THE BYLAWS**

1. These bylaws may be adopted, by a majority vote at any session of the Commission and will continue in force for the Commission until rescinded or amended. They may be suspended, rescinded or amended by an affirmative vote of seven (7) members of the Commission at a regular or supplementary meeting. Public notice of proposals to amend the bylaws shall be included on a regularly scheduled agenda with notification included in the Public Media Calendar at least one week prior to the meeting where the amendments will be considered by the Commission. (Is Council approval required?)

*Robert's 'Rules of Order' are the rules of a fight; they are intended to prevent unfair advantage and to give the minority a fighting chance.*

H. S. Elliott, *The Process of Group Thinking* (1938), p. 190 (quoted in *Parliamentary Law for the Layman* (1952) by Joseph F. O'Brien, p. 12)

## **Unanimous Consent** <http://roberts-rules.com/parl06.htm>

"If there is no objection ...". These are the 5 most helpful words a chairperson will ever find.

In cases where there seems to be no opposition in routine business; or on questions of little importance; and in the presences of a quorum; you can save time by obtaining Unanimous Consent (General Consent) from the assembly. And then in one meeting, you as a chair can accomplish ten times the amount of work.

After all, parliamentary procedure is designed to protect the minority, and generally need not be strictly enforced when there is no minority (opposition) to protect. In these cases, a motion can be adopted without the [Six Steps](#) or even the formality of making a motion.

Any meeting can be ten times more productive if the chair will merely state, "If there is no objection, (we will adopt a motion to do such and such)." When no objection is heard, the chair states, "Since there is no objection, ... (such and such a motion is adopted)." If someone objects, the chair cheerfully proceeds with the traditional [Six Steps](#).

Examples of situations which clearly beg for the Unanimous Consent approach are:

1. To correct or approve the minutes. You do not need a time wasteful motion for this.
2. To withdraw an own motion before the vote is taken. The maker may wish to withdraw his own motion; but the motion belongs to the assembly. Only the assembly may allow the withdrawal of a motion.
3. To suspend a rule on a matter clearly not controversial (and as long as no ByLaw is violated).
4. To allow a speaker a few more minutes than the prescribed time.
5. To allow a guest speaker to speak in an order contrary to the approved agenda (or Rules of Order).
6. To divide a complex motion into logical parts for discussion, amendments, and voting purposes.
7. To close polls on a voting process after inquiring if there are any more votes. No motion to close the polls is necessary.
8. To elect a lone nominee by acclamation.

In reality, as long as you have a quorum and do not violate a ByLaw, these 5 powerful words can allow a chair to quickly accomplish just about anything. These 5 words can shorten any meeting which is typically run by an egocentric, self-indulging, power meister.

## Six Steps to Every Motion! <http://roberts-rules.com/parl09.htm>

Every motion requires 6 steps (with [some exceptions](#)). The shoulds and shouldn'ts are as follows: (RONR(10th ed.),p.31-54)

**STEP 1. A member stands up, is recognized, and makes a motion;**

**Common Mistake:** Members do not stand up, do not wait to be recognized, and typically start to discuss their motion before completing STEP 2, STEP 3, and STEP 4 below!

**STEP 2. Another member seconds the motion;**

**Common Mistake:** The person seconding the motion dives into the merits of the motion.

**STEP 3. The presiding officer restates the motion to the assembly;**

**Common Mistake:** Motion is restated differently from the wording of the maker! Beware because the motion that is adopted is the one stated by the presiding officer, not the one stated by the maker of the original motion.

**STEP 4. The members debate the motion;**

**Common Mistake:** Debate gets out of control in temper, in duration, in relevance! Members talk at each other across the room rather than through the presiding officer.

**STEP 5. Presiding officer asks for the affirmative votes & then the negative votes;**

**Common Mistake:** The presiding officer states 'All in favor' and fails to tell the members what to do as a matter of voting (for example, 'say aye', 'stand up', 'raise your hand', etc.); or the negative vote is never requested or counted!

**STEP 6. The presiding officer announces the result of the voting; instructs the corresponding officer to take action; and introduces the next item of business.**

**Common Mistake:** Presiding officer fails to pronounce the result of the voting! No one is instructed to take action. Commonly, dead silence follows because the presiding officer is lost and stares at the assembly

**(see below Some General Exceptions)**

## **Some General Exceptions** <http://roberts-rules.com/parl10.htm>

For the sake of expediency, the chair can always say "***If there is no objection ...***", and then declares what action the chair is going to take in the name of the assembly! If no one objects, the 6 steps are skipped and the motion has been adopted in 5 words. If someone objects, the chair follows the 6 steps, cheerfully.

On the other hand, not all motions require the 6 steps. Your power comes in knowing which motions do and which motions do not require the 6 steps, especially when the chair cannot get away with "If there is no objection ...".

### **STEP 1. State the Motion:**

Some motions are so important that the maker can interrupt the speaker and not even wait to be recognized by the chair! - *Question of Privilege, Orders of the Day, Point of Order, Appeal, Parliamentary Inquiry, Point of Information, Division.*

### **STEP 2. Second the Motion:**

Some motions do not require a second - Generally, if Robert's Rules of Order allow you to interrupt a speaker, you do not need a second (except *Appeal*).

### **STEP 3. Chair Restates the Motion:**

The presiding officer may help a verbose person rephrase the motion.

### **STEP 4. Discuss the Motion:**

[Some motions may not be debated](#) because the debate would defeat the purpose of the motion - *Recess, Orders of the Day, Lay on the Table, Limit or Close Debate, Division of the Assembly, Division of the Question.*

### **STEP 5. Vote on the Motion:**

Some motions are made and passed without voting - *Question of Privilege, Orders of the Day, Point of Order, Division.*

### **STEP 6. Announce Result of Vote:**

No exceptions here. The result of the voting must always be announced.

## When Six Steps Do Not Apply <http://roberts-rules.com/parl11.htm>

We accept that the typical motion follows 6 steps.

1. *Speaker stands, is recognized, and makes a motion.*
2. *Motion is seconded.*
3. *Presiding Officer restates the motion to the audience.*
4. *The assembly debates the motion.*
5. *The vote is taken.*
6. *The chair announces whether the motion was adopted or not; instructs the correct officer to take action.*

Now let us review 2 Privileged Motions and 4 Incidental Motions which lack the 6 steps.

1. **Privileged Motions** do not relate to the pending motion, but are of such immediate importance that they take precedence over any Main Motion.
  1. **Question of Privilege:** As a member of the audience you believe that you can not hear or see the proceedings, but you have a feasible solution. You have the right to stop the meeting, and have the problem corrected.
  2. **Call for the Orders of the Day:** You notice that the agenda specifies the time for each portion of the agenda. You notice that the part you are interested in is scheduled for 9:15 am, and the time is now 9:16 am. The meeting is stuck with the 9:05 am item. You 'Call for the Orders of the Day'. This automatically forces everyone to abandon the 9:05 item and deal with 9:15 item.

***In both cases, you do not need to be recognized, or seconded. No one can amend or debate your motion! No vote is necessary. You can get your way without going through the 6 steps.***

2. **Incidental Motions** do not relate directly to the substance of the pending motion, but rather to the method of transacting the business of the motion. Incidental motions must be dealt with immediately.
  1. **Point of Order:** During a meeting you notice that someone (even the presiding officer) is disobeying Robert's Rules of Order. You state 'Point of Order' and explain your point. The Presiding Officer rules on your point and you help to keep everyone in line.
  2. **Point of Information:** One right no one can take from you is the right to understand the process and the potential consequences of the next voting. You have the right to stop business and have someone explain the process and consequences of the debate or the voting. Your request for information can not be ignored by the Presiding Officer.

3. ***Division of Assembly:*** Whenever you doubt the Presiding Officer's hearing capabilities during a vote by loud ayes/nays, you can have the vote taken by having voters stand instead of yelling. You call for a '*Division of the Assembly*' and the vote has to be **retaken** in a more accurate manner.

***In the last 3 cases, you do not need to be recognized, or seconded. No one can amend or debate your motion! No vote is necessary. You can get your way without going through the 6 steps.***

4. ***Object to Consideration:*** Sometimes a sensitive or embarrassing motion is made. You can kill it before it is discussed by getting 2/3 of the assembly to agree with you to kill the motion **before it is discussed**.

***In this case, you do not need to be recognized, or seconded. No one can amend or debate your motion! A 2/3 vote is necessary. You can get your way without going through the 6 steps.***

If you know when the 6 steps do not apply, you can protect your rights as a member of an organization. Otherwise, somebody will undoubtedly and easily rob you of your rights.



## Five Ways to Modify a Motion <http://roberts-rules.com/parl13.htm>

Motions are rarely perfect for everyone. Modifications are inevitable.

1. **Between the time that a motion is made and *before the chair states the motion***, any member may informally offer modifying suggestions to the maker of the motion. The maker may accept or reject that member's recommendations.
2. **After the chair has stated the motion**, the maker of the motion may *request unanimous consent* from the members to modify the motion. Remember that at this time, the motion belongs to the assembly and not the original maker.
3. **By means of the subsidiary motion to [Amend](#)**, any member may propose changes to the motion, before the motion is voted upon. These proposed changes must be seconded and may be amended and/or debated.
4. **If a motion requires further study**, the members may vote to *Refer the Main Motion to a Committee*. When the committee returns the motion to the assembly, the committee normally **proposes** amendments for the assembly to vote upon.
5. **Sometimes the motion is so complex** that the only way to do it justice is for a member to urge its rejection and offer to propose a simpler version as a *Substitute Motion*. Upon defeat of the complex motion, anyone may propose the *Substitute Motion*.

Once a member learns which motions are out of order, how to make a motion, and how to amend a motion, the member becomes a productive member of the organization. Until then, the member is just another victim of the organization!

## Three Ways to Amend a Motion <http://roberts-rules.com/parl14.htm>

As a matter of survival, the most common motion a club member needs to know completely is the ***Motion to Amend*** a Pending Motion.

The difficult part is remembering that the more urgent [motions can not be amended](#) - Adjourn, Question of Privilege, Orders of the Day, Lay on/Take from the Table, Previous Question, Point of Order, Appeal, Parliamentary Inquiry, Suspend the Rules, and Reconsider.

During the Debate step of a Pending Motion, one may move to Amend the Pending Motion. All one needs to remember is that there are really **only 3 basic processes of amendments**:

**Let's Amend this Sample Motion:** "I move that we buy a new sign."

1. **You can Move to Amend by *Inserting* words or paragraphs.**  
*I move to Amend by Inserting the phrase "not to exceed \$50 dollars" at the end of the motion.*
2. **You can Move to Amend by *Striking out* (not deleting) words or paragraphs.**  
*I move to Amend by striking out the word "new".*
3. **You can Move to Amend by *Striking out and Inserting* words or paragraphs.**  
One can even Amend by *Substituting* (Striking out and Inserting) entire paragraphs or the complete motion.  
*I move to Amend by Striking out the word "sign" and Inserting the word "billboard".*

### **You can also Amend the Amendment, before it is voted upon:**

But you can only Amend the Inserted or Struck out **words**. You can not Amend a separate part of the Main Motion not covered by the Amendment that is currently being discussed!

After the current Amendment is voted upon, you can Amend the Motion again and Amend this new Amendment.

If you carefully review these 3 basic processes of amendments (*insert, strike out, and strike out/insert*), you will agree that any other form is not an amendment. Proper usage of these 3 processes will reduce the chances of chaos and confusion that is common during discussion of motions and amendments.

When one understands the means to amend a motion, one will be able to calmly defend oneself from all tyrannical group leaders.

## **Undeatable Motions** <http://roberts-rules.com/parl16.htm>

**You can make some motions which no one can speak against, mostly because sometimes the right to debate does not make sense!** (Notice that among the common motions, if you can not debate them, you probably can not amend them either!).

**Some motions perform a time sensitive task where a discussion would be counter productive.**

1. Call for the Orders of the Day.
2. Call for the Division of the Assembly.
3. Lay on the Table/Take from the Table.
4. Division of a Question.
5. Suspend the Rules.
6. Reconsider a Motion (most).
7. Dispense with Reading of the Minutes.

**Some motions intend to prevent further debate. Discussing the motion defeats the purpose of the motion.**

8. Adjourn.
9. Objection to the Consideration of the Question.
10. Previous Question (Close Debate).
11. Limit or Extend Limits of Debate.
12. Recess.

**Some motions intend to perform simple tasks which require immediate attention.**

13. Parliamentary Inquiry.
14. Point of Information.
15. Point of Order.
16. Raise a Question of Privilege.
17. Appeal from the Decision of the Chair (most).

If you know when others can debate your issues and when they can not, you will be better prepared to wisely make your point unopposed.

## **Unamendable Motions** <http://roberts-rules.com/parl15.htm>

**The power to amend any motion leads to a quick compromise which pleases most of the members. Notice that amending the following motion makes no sense.**

In all of the motions listed in this section, the members either allow something to occur or they do not allow it. A member is either granted a request or is not. Normally, there is no half way position; there is no modification. (Notice that among the common motions, if you can not debate them, then you probably can not amend them either!).

1. Adjourn.
2. Call for the Orders of the Day.
3. Call for the Division of the Assembly.
4. Lay on the Table/Take from the Table.
5. Dispense with Reading of the Minutes.
6. Objection to the Consideration of the Question.
7. Postpone Indefinitely.
8. Previous Question (Close Debate).
9. Parliamentary Inquiry.
10. Point of Information.
11. Point of Order.
12. Raise a Question of Privilege.
13. Suspend the Rules.
14. Appeal from the Decision of the Chair.
15. Reconsider a Motion.

Once you realize which motions you can make without the obstacle of an opposing debate or modification, you can then assure the victory of your plans.

**Move to Divide a Motion:** excerpted from  
[http://westsidetoastmasters.com/resources/roberts\\_rules/chap9.html](http://westsidetoastmasters.com/resources/roberts_rules/chap9.html)

***Division of the Question***

- Purpose: To divide a motion that has several topics that can stand as separate motions. Members can apply this motion to main motions and their amendments.
- Needs a second.
- Amendable.
- Not debatable.
- Majority vote.
- Can't be reconsidered.
- Result: The motion is divided into its separate parts and the assembly considers each part individually without affecting the other parts.

Sometimes a member gets carried away with what he or she proposes, and the main motion includes several things that he or she wants to do. Here's an example of such a motion:

Member: Madam President, I move that we paint the clubhouse blue, buy a new stove for the kitchen, and give the janitor a \$100 bonus for spring clean-up.

This motion has three distinct parts that can stand alone:

1. Paint the clubhouse blue.
2. Buy a new stove for the kitchen.
3. Give the janitor a \$100 bonus for spring clean-up.

In this case, dividing the question into its three parts is in order. To do this, a member states:

Member: Madam President, I move to divide the motion into three parts. The first motion is to paint the clubhouse blue. The second motion is to buy a new stove for the kitchen. The third motion is to give the janitor a \$100 bonus for spring clean-up.

This motion needs a second and is not debatable; the presiding officer immediately takes a vote. The motion can also be adopted by unanimous consent.

President: Is there any objection to dividing the motion into three parts? Hearing none, the motion is divided. The question before you is to paint the clubhouse blue. Is there any discussion?

Or, the chair can take a formal vote.

President: All those in favor say "Aye." Those opposed say "No."

The chair then announces the vote. If the noes have it, the motion is considered in its original form. If the motions are considered separately, the chair presents each one for discussion and vote.

Another way members can divide this motion is if someone only wants to consider giving the janitor a bonus as a separate question. In this case, the member phrases the division of the question this way:

Member: Madam President, I move to divide the question so that we consider giving the janitor a \$100 bonus separately.

Members can divide only motions that can stand by themselves. If a series of resolutions are presented that can stand alone, one member can ask the assembly to consider a certain resolution separately, without taking a vote. This is similar to the procedure of working with a consent agenda (see Chapter 2).

## **Rescind** <http://roberts-rules.com/parl20.htm>

(often called Repeal or Annul)

**You always have the right to annul or amend something already adopted.**

Quite often it is obvious that a great deal of preparation and support has been quietly organized before a motion is presented to the members. The motion is adopted before you even understand the true purpose and potential consequences of the motion. Fortunately there are no time limitations to annul or amend any motion.

**There are no arbitrary restrictions, just a couple of logical ones:**

1. If on the day a motion was passed, someone moved to **reconsider the vote** on that motion, you can neither Rescind nor Amend that motion, until after the Motion to Reconsider has been resolved.
2. If the motion you wish to Rescind has been **executed in an irreversible manner**, you can not Rescind it. However, any reversible portion can be amended. A simple way to look at this is, if no one outside the meeting knows about the motion, the motion can probably be undone. If a part of the motion has not been executed, you can probably amend the unexecuted portion of the motion.
3. If a motion results in a contract and the other **party has been informed** of the vote, you can not Rescind the motion.
4. If the motion acts upon a resignation, or results in an election/expulsion, and the **person involved is officially notified** of the voting, you can not Rescind the motion. Fortunately, Robert's textbook allows for a reinstatement procedure and disciplinary removal of a person from office.
5. In order to Rescind a motion, it takes at least a 2/3 vote unless the membership has received a **Previous Notice**. (See the [Votes Required to Adopt a Motion by a 2/3 Vote Table](#)).

When a motion is adopted before you can prepare a means of defeating it, all you need is a 2/3 vote, and you can nullify or amend the offensive motion.

For the sake of expediency, the chair can always say "***If there is no objection ...***", and then declares what action the chair is going to take in the name of the assembly! If no one objects, the 6 steps are skipped and the motion has been adopted in 5 words. If someone objects, the chair follows the 6 steps, cheerfully. From <http://roberts-rules.com/parl10.htm>

**FAQS** excerpted from (<http://www.robertsrules.com/faq.html#3>)

**Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?**

**Answer:**

No. Once a quorum at a meeting has been established, the continued presence of a quorum is presumed to exist only until the chair or any other member notices that a quorum is no longer present. If the chair notices the absence of a quorum, he or she should declare this fact, at least before taking any vote or stating the question on any new motion. Any member noticing the apparent absence of a quorum can and should make a *Point of Order* to that effect whenever another person is not speaking. It is dangerous to allow the transaction of substantive business to continue in the absence of a quorum. Although a *Point of Order* relating to the absence of a quorum is generally not permitted to affect prior action, if there is clear and convincing proof no quorum was present when business was transacted, the presiding officer can rule that business invalid (subject to appeal). [RONR (11th ed.), pp. 348-49; see also pp. 12-13 of [RONRIB](#).]

**Do abstention votes count?**

**Answer:**

The phrase “abstention votes” is an oxymoron, an abstention being a refusal to vote. To abstain means to refrain from voting, and, as a consequence, there can be no such thing as an “abstention vote.”

In the usual situation, where either a majority vote or a two-thirds vote is required, abstentions have absolutely no effect on the outcome of the vote since what is required is either a majority or two thirds of the votes cast. On the other hand, if the vote required is a majority or two thirds of the members *present*, or a majority or two thirds of the entire membership, an abstention will have the same effect as a “no” vote. Even in such a case, however, an abstention is not a vote and is not counted as a vote.

**How do you deal with a “friendly amendment”?**

**Answer:**

On occasion, while a motion is being debated, someone will get up and offer what he or she terms a “friendly amendment” to the motion, the maker of the original motion will “accept” the amendment, and the chair will treat the motion as amended. This is wrong. Once a motion has been stated by the chair, it is no longer the property of the mover, but of the assembly. Any amendment, “friendly” or otherwise, must be adopted by the full body, either by a vote or by unanimous consent.

If it appears to the chair that an amendment (or any other motion) is uncontroversial, it is proper for the chair to ask if there is “any objection” to adopting the amendment. If no objection is made, the chair may declare the amendment adopted. If even one member



objects, however, the amendment is subject to debate and vote like any other, regardless of whether its proposer calls it “friendly” and regardless of whether the maker of the original motion endorses its adoption. [[RONR](#) (11th ed.), p. 162.]

**Must debate on a motion stop immediately as soon as any member calls the question?**

***Answer:***

It is a fairly common misconception that, after debate has continued for some time, if any member shouts out “Question!” or “I call the question!” debate must immediately cease and the chair must put the pending question to a vote. This is simply not the case. Any member who wishes to force an end to debate must first obtain the floor by being duly recognized to speak by the chair, and must then move the *Previous Question*. Such a motion must be seconded, and then adopted by a two-thirds vote, or by unanimous consent. It is not in order to interrupt a speaker with cries of “Question” or “Call the Question,” and even if no one is speaking, it is still necessary to seek recognition. [[RONR](#) (11th ed.), p. 202; see also pp. 35-37 of [RONRIB](#).]

## **Call for Orders of the Day by Barbara Campbell**

<http://www.netplaces.com/roberts-rules/its-a-question-of-privilege/call-for-orders-of-the-day.htm>

It might seem like a strange term, this call for orders of the day. You might be thinking you're going to be subjected to some regimented, military-style routine, and while Robert was an Army man, this isn't what the term means.

An agenda or order of business is used to conduct business at a meeting. Both of these items help the membership to use an ordered outline of the business topics that will be discussed and acted upon. There may be special times set for discussion of certain motions or for voting.

### **Getting Sidetracked**

Even the best-run meetings (and the best people running them) can get sidetracked or start to run long. Members start checking their watches, looking concerned. After all, it's 9 A.M. and the vote on buying that new equipment was scheduled for 8:30. Everyone has a busy day ahead of them and there's longwinded Mr. Sanders going on and on and no one seems willing to do anything. After all, he's the boss's brother...but at this rate, it'll be lunchtime before anyone gets back to the office.

### **Time to Make the Call**

This is the perfect time to use this privileged motion. All it takes is one member who will rise and call for the orders of the day — a request that the matter that was scheduled be conducted. It's the right thing to do. After all, there was a reason for setting a time for whatever the matter is to be discussed and acted on, and members may have come to the meeting for that reason alone. They shouldn't have to leave because it's looking like it's not going to be brought up. If they do leave, your quorum may go with them.

### **The Motion for the Call**

If you've got a longwinded speaker, you'll need to be courteous to make your motion. Avoid the temptation to interrupt; hopefully, you have an observant chair who may be on the verge of moving things along. Rise and wait to be recognized, and then say, "I call for the orders of the day."

This motion does not require a second. It can't be amended or debated. Now the chair must immediately proceed with the orders of the day.

If, however, the chair or a member feels it would be better to stay with the current discussion, then a vote should be taken to "set aside" the orders of the day.

A two-thirds vote (not a simple majority) decides whether the orders should be set aside (so the current discussion can go on) or the membership should proceed with the orders of the day. Chances are, if the order of the day was important enough to set a time to do it, the membership will want to take care of it.

## **Can We Go Home Now? (Adjourn) by Barbara Campbell**

<http://www.netplaces.com/roberts-rules/its-a-question-of-privilege/can-we-go-home-now-adjourn.htm>

Is your meeting running overtime for some reason? Have you become aware of an impending severe thunderstorm and you're concerned about the safety of members who have to drive home in it? Or maybe the power suddenly goes out. This might be a good time to adjourn.

### **The Motion to Adjourn**

The procedure to make the motion is the same as it is with the motion to recess. You shouldn't interrupt another speaker unless there is an urgent need to do so (such as the power suddenly going out). Again, gain the attention of the chair and say, "I move that we adjourn as the hour is late."

The motion must be seconded, but unlike the motion to recess, the motion to adjourn cannot be debated or amended. An important point must be stressed here: You need to know whether the rules for your group or organization allow for another meeting if you need to adjourn before the business is finished. If so, then you can make a motion to adjourn while there is business pending. Remember, the motion must be seconded and a majority vote is required. The motion can't be reconsidered, but if it's not approved, it can be made again later in the meeting.

### **Wait a Minute!**

There are times when it's not appropriate to adjourn. One of these times is when a group or organization is in the midst of voting. If a motion to adjourn is made before voting is completed or verified, the chair should explain that this is not correct. The only exception is if a vote has been made by ballot. As long as all the ballots have been collected, the meeting may be adjourned and those in charge of counting the ballots may continue to do their work.

### **ESSENTIAL**

After a vote to adjourn is adopted, members can still make motions to reconsider a vote or reconsider a vote and enter on the minutes if they do so before the chair adjourns the meeting.

If a member has made a motion to adjourn, the chair needs to tie up any loose ends that may exist. If there is business that needs to be taken care of, announcements that need to be made, motions to reconsider the vote on a previous motion or to reconsider the vote and enter on the minutes, the chair should inform the membership of these.

# Parliamentary Motions Guide

Based on *Robert's Rules of Order Newly Revised (11<sup>th</sup> Edition)*

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

YOU WANT TO:	YOU SAY:	INTERRUPT?	2 <sup>ND</sup> ?	DEBATE?	AMEND?	VOTE?
§21 Close meeting	I move to <b>adjourn</b>	No	Yes	No	No	Majority
§20 Take break	I move to <b>recess</b> for	No	Yes	No	Yes	Majority
§19 Register complaint	I rise to a <b>question of privilege</b>	Yes	No	No	No	None
§18 Make follow agenda	I call for the <b>orders of the day</b>	Yes	No	No	No	None
§17 Lay aside temporarily	I move to <b>lay</b> the question <b>on the table</b>	No	Yes	No	No	Majority
§16 Close debate	I move the <b>previous question</b>	No	Yes	No	No	2/3
§15 <b>Limit or extend debate</b>	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14 <b>Postpone to a certain time</b>	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13 <b>Refer</b> to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12 Modify wording of motion	I move to <b>amend</b> the motion by ...	No	Yes	Yes	Yes	Majority
§11 Kill main motion	I move that the motion be <b>postponed indefinitely</b>	No	Yes	Yes	No	Majority
§10 Bring business before assembly (a <b>main motion</b> )	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

# Parliamentary Motions Guide

Based on *Robert's Rules of Order Newly Revised (11<sup>th</sup> Edition)*

**Incidental Motions** - No order of precedence. Arise incidentally and decided immediately.

YOU WANT TO:	YOU SAY:	INTERRUPT?	2 <sup>ND</sup> ?	DEBATE?	AMEND?	VOTE?
§23 Enforce rules	<b>Point of order</b>	Yes	No	No	No	None
§24 Submit matter to assembly	<b>I appeal</b> from the decision of the chair	Yes	Yes	Varies	No	Majority
§25 Suspend rules	I move to <b>suspend the rules</b> which ...	No	Yes	No	No	2/3
§26 Avoid main motion altogether	<b>I object to the consideration</b> of the question	Yes	No	No	No	2/3
§27 Divide motion	I move to <b>divide the question</b>	No	Yes	No	Yes	Majority
§29 Demand rising vote	I call for a <b>division</b>	Yes	No	No	No	None
§33 Parliamentary law question	<b>Parliamentary inquiry</b>	Yes (if urgent)	No	No	No	None
§33 Request information	<b>Request for information</b>	Yes (if urgent)	No	No	No	None

**Motions That Bring a Question Again Before the Assembly** - no order of precedence. Introduce only when nothing else pending.

§34 Take matter from table	I move to <b>take from the table</b> ...	No	Yes	No	No	Majority
§35 Cancel or change previous action	I move to <b>rescind/ amend something previously adopted...</b>	No	Yes	Yes	Yes	2/3 or maj. w/ notice
§37 Reconsider motion	I move to <b>reconsider</b> the vote ...	No	Yes	Varies	No	Majority

## **THE ORDER OF BUSINESS**

The "order of business" is the established sequence in which business is taken up during a meeting. It is a blueprint for meetings and provides a systematic plan for the orderly conduct of business.

**I. READING AND APPROVAL OF MINUTES** – Following any corrections or additions, the minutes should be approved. Approval is usually handled by unanimous consent.

**II. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES** – The chair usually calls on only those members who have reports.

**III. REPORTS OF SPECIAL COMMITTEES** – Special committees do not have continual existence, but exist solely for the purposes of a specific project.

**IV. UNFINISHED BUSINESS** – Unfinished business (sometimes incorrectly referred to as "old business") refers to questions that have carried over from the previous meeting as a result of that meeting having adjourned without completing its order of business.

**V. NEW BUSINESS** – Following any unfinished business, the chair asks, "Is there is any new business?" Members can introduce new items of business.

Optional headings may include **OPENING CEREMONIES**, **ROLL CALL** of members, **CONSENT CALENDAR** for disposing of routine business by unanimous consent, **ANNOUNCEMENTS**, or **PROGRAM**. Any item of business can be taken out of its proper order by adopting a motion to suspend the rules with a two-thirds vote, although this is usually arranged by unanimous consent.

*Jim Slaughter is an attorney, Certified Professional arliamentarian, Professional Registered Parliamentarian and past President of the American College of Parliamentary Lawyers. His Web site at [www.jimslaughter.com](http://www.jimslaughter.com) contains many articles and charts on meeting procedure.*

# ***PRESIDE LIKE A PRO!***

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## **PHRASES FOR THE PRESIDING OFFICER**

Listed below are phrases for the presiding officer as found in *Robert's Rules of Order Newly Revised (11<sup>th</sup> Edition)*. Slight variations of the given language may work just as well.

- **OPENING THE MEETING** (after quorum is present)  
"The meeting will come to order."
- **RECOGNIZING MEMBERS**  
"The chair recognizes . . ."
- **STATING THE QUESTION** (following motion and second)  
"It is moved and seconded that [or "to"] . . ."
- **WHEN DEBATE APPEARS TO HAVE ENDED** (if no objection, chair can proceed to vote)  
"Are you ready for the question?" or "Is there any further debate?"
- **TAKING A VOTE** (once debate appears to have ended or vote has been ordered)

### Voice Vote

"The question is on the adoption of the motion to \_\_\_\_\_. Those in favor of the motion, say AYE. [Pause] Those opposed, say NO."

### Rising Vote

"Those in favor of the motion to \_\_\_\_\_ will rise [or, "stand"]." [Pause] "Be seated. Those opposed will rise." [Pause] "Be seated."

### Counted Rising Vote

"The question is on the adoption of the motion to \_\_\_\_\_. Those in favor of the motion to \_\_\_\_\_ will rise and remain standing until counted." [Count vote.] "Be seated. Those opposed will rise and remain standing until counted." [Count vote.] "Be seated."

### Vote by Show of Hands

"The question is on the adoption of the motion to \_\_\_\_\_. All those in favor of the motion will raise the right hand." [Count hands.] "Lower hands. Those opposed will raise the right hand." [Count hands.] "Lower hands."

- **ANNOUNCING VOTE** (immediately following vote)

### Voice Vote

"The ayes have it and the motion is adopted [or "carried"]."  
Or, "The noes have it and the motion is lost."

### Uncounted Rising or Show of Hands Vote

"The affirmative has it and the motion is adopted."  
Or, "The negative has it and the motion is lost."

### Counted Rising Vote or Show of Hands Vote

"There are 32 in the affirmative and 30 in the negative. The affirmative has it and the motion is adopted."  
Or, "There are 29 in the affirmative and 33 in the negative. The negative has it and the motion is lost."

- **APPROVAL OF MINUTES**

"Are there any corrections to the minutes? If there are no corrections [or "no further corrections"], the minutes stand [or "are"] approved [or "approved as read," or "approved as corrected"]."

- **PROCEEDING THROUGH BUSINESS**

"The next item of business is . . ."  
(Do **NOT** say "The next order of business.")

- **DISCIPLINE**

### Motion Out of Order or Motion Not in Order

"The chair rules that the motion is out of order [or "not in order"] because . . ."

### Member Out of Order (serious offense while speaking)

"The member is out of order and will be seated."





## Police Commission

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City of Eugene  
777 Pearl Street, Room 106  
Eugene, Oregon 97401  
(541) 682-5852

April 3, 2012

**To:** Members of the Police Commission  
**From:** Carter Hawley, Police Commission Analyst  
**Subject:** Social Host Ordinance

In December, 2011, Commissioner Lange provided the Commission with a brief update from the Neighborhood Livability Work Group, a group of citizens, neighbors, landlords, students, tenants and property managers in the neighborhoods around the University of Oregon. She reported that the Work Group was working on a social host ordinance, an ordinance designed to reduce out-of-control parties in those neighborhoods.

The Citizen Work Group, with staff support from the Office of Neighborhoods, City Manager's Office and Police Department, have developed a draft ordinance that is scheduled to go to the City Council for consideration in April, with final action scheduled in May.

At the Commission meeting, staff will walk through the proposed ordinance, highlighting the substantive policy issues it contains, and be available to answer any questions.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING UNRULY GATHERINGS; ADDING SECTIONS 4.670 and 4.672 TO THE EUGENE CODE, 1971; AND AMENDING SECTIONS 4.990 AND 4.996 OF THAT CODE.**

**The City Council of the City of Eugene finds as follows:**

**A.** Unruly gatherings, often involving loud noise and unlawful consumption of alcohol by minors, foster a range of criminal conduct. Some of the typical offenses include obstruction of public streets, assault, menacing, harassment, disorderly conduct, criminal mischief, and littering. Unruly gatherings and associated criminal behavior disturb the peace of nearby residents, pose a danger to persons attending the gathering and to other persons in the vicinity, detract from the livability of the neighborhood, and reduce the value of nearby properties.

**B.** Tenants, lessees, property managers and owners have the ability to prevent unruly gatherings, to stop them if they occur, and to deter recurrences. Although those persons may not themselves commit any of the offenses at issue, they should be held responsible, not only if they organize, host, facilitate or encourage unruly gatherings, but also if they permit those offenses to occur on property that they control as resident or owner.

**NOW, THEREFORE,**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Sections 4.670 and 4.672 of the Eugene Code, 1971, are added to provide as follows:

**Morals and Public Conduct**

**4.670      Unruly Gatherings - Definitions.** As used in sections 4.672, 4.990(1), and 4.996(5) and (6) of this code, the following words and phrases mean:

**Alcoholic liquor.** An alcoholic beverage containing more than one-half of one percent of alcohol by volume.

**Response costs.** The costs associated with responses by law enforcement, fire and other emergency response providers to unruly gatherings, including but not limited to:

- (a) Salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with unruly gatherings, and the administrative costs attributable to such response(s);
- (b) The cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured while responding to, remaining at or leaving the scene of an unruly gathering.

- (c) The cost of repairing any city equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at or leaving the scene of an unruly gathering.

**Juvenile.** Any person under eighteen years of age.

**Minor.** Any person under twenty-one years of age.

**Unruly conduct.** Any two or more of the following behaviors that occur on the property where the gathering occurs or which occur on public or private property adjoining the property where the gathering occurs:

- (a) Any violation of state or City of Eugene laws relating to the sale, service, possession or consumption of alcoholic liquor;
- (b) Groups of more than 5 persons who have moved from the gathering into public streets;
- (c) Assault, as defined in section 4.729 of this code;
- (d) Menacing, as defined in section 4.730 of this code;
- (e) Harassment, as defined in section 4.726 of this code;
- (f) Intimidation, as defined in section 4.731 of this code;
- (g) Disorderly conduct, as defined in section 4.725 of this code;
- (h) Noise disturbance, as defined in sections 4.080 – 4.083 of this code;
- (i) Criminal mischief, as defined in sections 4.780 and 4.872 of this code;
- (j) Public urination or defecation, as defined in section 4.770 of this code;
- (k) Interfering with a police officer, as defined in section 4.907 of this code; and
- (l) Littering, as defined in section 6.805 of this code, by a person who attended the party or gathering.

**Unruly gathering.** A party or gathering of more than 5 persons at the property where unruly conduct occurs.

**Owner.** The person or entity listed as the owner in the Lane County property tax records.

**Permit.** To suffer, allow, expressly or impliedly consent to, or acquiesce by failure to prevent.

**Property.**

- (a) Any dwelling unit, including but not limited to a house, home, apartment, condominium, hotel or motel room; a duplex, triplex, apartment house or other building with multiple dwelling units;
- (b) A hall, meeting room, shelter or other gathering place;
- (c) Any real property adjacent to and under the same ownership as the structure described in sections (a) and (b) of this definition; and
- (d) Public right-of-way.

**Twelve-month period.** The twelve months immediately preceding the most recent citation.

#### **4.672      Unruly Gatherings – Provisions.**

##### **(1)      Prohibitions.**

- (a) No person shall organize, host, facilitate, or encourage an unruly gathering.
  - (b) No person who owns or has a right to possess or control any private property, including but not limited to an owner, lessee or tenant, may permit another person to do any of the actions listed in subsection (1)(a) of this section on the property. An owner who has received notice that an unruly gathering has occurred at a dwelling unit is deemed to have permitted any subsequent unruly gathering that occurs on the property within the following twelve-month period.
- (2) Responsibility.**
- (a) A person who violates subsection (1)(a) of this section shall be subject to a fine prescribed by subsection (1) of section 4.990 of this code. In addition, a person who is convicted of violating subsection (1)(a) of this section for a second time, and for any additional time, within a twelve-month period shall pay an administrative civil penalty in the amount of response costs, regardless of whether the offense occurred at the same or a different property, as provided in section 4.996 of this code.
  - (b) After an unruly gathering occurs at a private property, and after any future occurrence of an unruly gathering at the same property, city staff will notify the owner(s) of the property. The notice shall include a copy of this ordinance and a statement that, upon a fourth and subsequent occurrences of unruly gatherings at the same property within a twelve-month period, the owner shall be liable for response costs.
  - (c) If a person violates subsection (1)(b) of this section more than two times during a twelve-month period, the person shall pay a civil penalty in the amount of the response costs.
  - (d) If a juvenile violates subsection (1) of this section and is or, but for the juvenile's age would be, responsible for payment of response costs under this section, the person's parent(s) or legal guardian(s) are responsible for response costs.
  - (e) Financial liability under this section is joint and several.
- (3) Appeals.**
- (a) If a civil penalty is imposed upon a property owner as provided in subsection (2) of this section, subsection (1) of section 4.990 of this code, and subsections (5) and (6) of section 4.996 of this code, the property owner or property manager may appeal the determination that a violation occurred or amount of the penalty to the city manager in accordance with section 2.021 of this code.
  - (b) In an appeal under this section, when determining to what extent, if any, the owner should be responsible for response costs, the city manager shall consider evidence of the following actions on the part of the property owner to prevent or abate the nuisance, even if unsuccessful:
    1. On the first occurrence of an unruly gathering, the owner or owner's agent issued a written warning, signed by all tenants, that future violations may result in initiation of eviction proceedings.
    2. On the second occurrence of an unruly gathering, the owner or owner's agent issued a written notice that termination of the rental agreement will be initiated for the tenant(s) responsible for any future unruly gatherings.

3. On the third occurrence of an unruly gathering, the owner or owner's agent initiated eviction proceedings against the tenant(s) responsible for the unruly gathering.

**Section 2.** Subsection (1) of Section 4.990 of the Eugene Code, 1971, is amended by adding the following entries in numerical order to the list of penalties as follows:

**4.990      Penalties - Specific.**

- (1) Violation of the following sections is punishable by fine or confinement in jail, or both, up to the amounts indicated opposite each. In addition, the court may order any treatment, related to the violation, deemed necessary for rehabilitation of the offender and the safety of the community.

<u>Section</u>	<u>Penalty</u>
<b>4.672(1)(a)</b>	<b><i>\$500 fine for first offense; \$750 fine for second offense occurring within a twelve-month period (See section 4.996(5) for administrative civil penalties); \$1,000 fine for third and subsequent offenses occurring within a twelve-month period (See section 4.996(5) for administrative civil penalties).</i></b>
<b>4.672(1)(b)</b>	<b><i>See section 4.996(6)</i></b>

**Section 3.** Subsections (5) and (6) of Section 4.996 of the Eugene Code, 1971, are added to provide as follows:

**4.996      Administrative Civil Penalty.**

- (5) ***Second and subsequent violations of subsection (1)(a) of section 4.672 of this code within a twelve-month period are subject to the imposition of response costs as defined in section 4.670 of this code.***
- (6) ***Fourth and subsequent violations of subsection (1)(b) of section 4.672 of this code within a twelve-month period are subject to the imposition of response costs as defined in section 4.670 of this code.***

**Section 4.** The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Passed by the City Council this**

**\_\_\_ day of May, 2012**

**Approved by the Mayor this**

**\_\_\_ day of May, 2012**

**The Eugene Police Department received 29 commendations in March, 2012. Below is a sampling.**

The reporting party commended the work of one officer, who was able to recover her stolen cell phone within hours of taking the report: "so responsive and so professional and caring... He went above and beyond the call of duty and I am so grateful!" Of a second officer, who facilitated the return of the phone's SD card, which contained pictures of her grandchildren, she says, "He was very patient and helpful and I felt like he cared about helping me."

The reporting party commended an officer's patient and thorough investigation of a series of Criminal Mischief incidents. "All in all [the officer] did an outstanding job. She treated us with dignity, respect and seemed to take this case on as if it were her own."

A local businessperson commended an officer's presentation to staff members: "She was warm and professional; she knew her information deeper than the data on the slides, so was able to factually and confidently answer questions about them. She was respectful of the delicate questions that could have bordered on the political edge, and she made the presentation not only interesting, but fun."

The reporting party commended an officer's response to a telephonic harassment incident. The officer was "a great help to me" and provided useful information: "all the ins and outs and the pushes and the shoves."

The reporting party thanked an officer for assisting a family member whose neighbor was undergoing a mental health crisis. "Obviously this was a scary situation for them, but for you it was just another Monday. Hard-working police officers like yourself don't get enough credit."

The reporting party commended an officer for a "more than professional" response to an ongoing vandalism problem: "He has done an excellent job communicating with me and is quick to respond when needed."

The son of a theft victim thanked detectives for recovering his father's property: "You have given my father's life back."

The reporting party commended an officer for their performance in a drug investigation involving a family member. "We are blessed to have come to the station, met [the officer], and hope that everything works out to the best the system can offer for us, and [the arrested party] ... He needs to be sent away for a long time. And with all the help we received, I believe this time he is going to!!"

The reporting party commended an officer for discussing the consequences of falsifying a traffic accident report with his son: "[The officer] was perfect in the way he talked to my son. He didn't over state anything, as I had the day before, but instead calmly discussed the subject."

The reporting party described an encounter with an officer in 2009 that was "one of his first and best experiences in America." He had become lost on a walk, and the officer allowed him to use their cell phone and then gave him a ride back home in the patrol car.